

Remarks/Arguments

The Examiner rejects all pending claims (1-46) in the present application under 35 USC 112, first paragraph because the specification is not enabling for compounds other than itraconazole, budesonide, carbamazepine, prednisolone and nabumetone. That is, the Examiner suggests that the specification does not enable the full scope of the claims.

In response Applicants have amended independent claims 1, 45 and 46 to further define the compound(s) that are encompassed by the claims, including that the compounds are pharmaceutically active as defined in the specification. Claims 22-26 have been made dependent on claim 1. Claims 19, 20 and 27 have been cancelled and new claim 47 has been added. Support for claim 47 is found, for example, at paragraph [0037] of the published application.

Applicants respectfully argue that the claims are fully enabled. Applicants' have presented a detailed disclosure that describes, amongst other items, four different process categories which may be applied to a particular compound. Applicants have presented twenty-five examples and the Examiner admits that the Examples are presented in sufficient detail for one of ordinary skill to follow. With respect to the Examiner's statement concerning "painstaking experimentation", applicants note that, it is stated, for example, in MPEP2164.06, a large quantity of experimentation may not be considered undue if there is sufficient guidance provided by the disclosure. The Examiner acknowledges that the level of skill in the art is high. Therefore, applicants respectfully argue that one of ordinary skill in the art would be able to make and use particles of a

particular compound without undue experimentation, given the extensive disclosure in the present application.

Applicants believe that the application is in condition for allowance and a notice of allowance is respectfully requested.

Respectfully submitted,

COOK, ALEX, MCFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.

/Robert D. Moir/

Robert D. Moir  
Registration No. 50,626

200 West Adams Street  
Suite 2850  
Chicago, Illinois 60606  
(312) 236-8500  
Dated: January 16, 2007